

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephen DiFiore	Team: Squad #5	CCRB Case #: 202008279	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/15/2020 6:30 PM	Location of Incident: § 87(2)(b)	Precinct: 26	18 Mo. SOL 6/15/2022	EO SOL 6/15/2022	
Date/Time CV Reported Fri, 12/18/2020 11:20 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 12/18/2020 11:20 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. PO Christopher Derco	14560	946917	NARCBMN
3. CPT Daniel Campbell	00000	932403	DBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Gabriella Sarro	19320	969355	026 PCT
2. POM Barry Stokes	05200	946659	026 PCT
3. DT3 Fidel Santiago	01905	951205	NARCBMN
4. DT3 Matthew Sgambati	04473	944997	NARCBMN
5. DT3 Albert Krasniqi	01657	954031	NARCBMN
6. DT3 Jose Genao	01713	948031	NARCBMN
7. DT3 Timothy Gaven	04659	934913	NARCBMN
8. DT3 Timothy Donohue	07267	932568	NARCBMN
9. DT3 Raymond Curbelo	01560	945636	NARCBMN
10. DT3 Christopher Cruz	02652	932502	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.CPT Daniel Campbell	Abuse: Captain Daniel Campbell entered § 87(2)(b) in Manhattan.	
B.PO Christopher Derco	Abuse: Police Officer Christopher Derco searched § 87(2)(b) in Manhattan.	
C. Officers	Abuse: Officers damaged § 87(2)(b)'s property.	
D. Officers	Abuse: Officers damaged § 87(2)(b)'s property.	

Case Summary

On December 18, 2020, § 87(2)(b) filed this complaint by leaving a message on the CCRB's call processing system.

On December 15, 2020, at approximately 6:30 p.m., Captain Daniel Campbell of the Manhattan North Detective Bureau, Police Officer Christopher Derco of Manhattan North Narcotics, and other officers from Manhattan North Narcotics executed a search warrant at § 87(2)(b) residence at § 87(2)(b) in Manhattan. § 87(2)(b) was not present during the incident, and neither were her husband § 87(2)(b) her son § 87(2)(b) or her daughter § 87(2)(b). The officers made forcible entry and searched the location (**Allegations A-B: Abuse of Authority, § 87(2)(g)**). During the search, officers allegedly damaged property belonging to § 87(2)(b) and § 87(2)(b) (**Allegations C-D: Abuse of Authority, § 87(2)(g)**). The incident did not result in any arrests or summonses.

The investigation did not obtain BWC footage for this incident, as the officers involved were from a command which had not yet been equipped with BWCs at the time of the incident. § 87(2)(b) provided a video of the condition of the apartment after the officers left, which did not capture any of the specifically alleged property damage (Board Review 01).

PO Derco has since been promoted to the rank of detective. Capt. Campbell has since been promoted to the rank of deputy inspector. They are both referred to in this report by the ranks they held at the time of this incident.

This case was delayed by the COVID pandemic as well as issues scheduling officers.

Findings and Recommendations

Allegation (A) Abuse of Authority: Captain Daniel Campbell entered § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: Police Officer Christopher Derco searched § 87(2)(b) in Manhattan.

It is undisputed that officers made entry into § 87(2)(b) in Manhattan pursuant to a federal search warrant on § 87(2)(b) (Board Review 02, page 4). The warrant was issued at § 87(2)(b), and signed by Hon. § 87(2)(b). § 87(2)(e)

Because Capt. Campbell was the highest-ranking supervisor on scene for the entry, the investigation pleaded the entry against him. Because PO Derco was the officer assigned to investigate this shooting, the investigation pleaded the search against him.

New York Criminal Procedure Law § 690.50 states that officers may make forced entry into a location when in possession of a valid search warrant (Board Review 03).

§ 87(2)(g)

Allegation (C) Abuse of Authority: Officers damaged § 87(2)(b)'s property.
Allegation (D) Abuse of Authority: Officers damaged § 87(2)(b)'s property.

It is undisputed that no resident of the apartment was present during the incident.

§ 87(2)(b) alleged that when she returned home and observed the state of her apartment, she noticed that her bed frame was broken beyond repair such that she had to resort to leaving her mattress on the floor (Board Review 04). The only other damage that she noted was that she had a few porcelain statuettes on some shelves in the living room that had been broken.

§ 87(2)(b) similarly stated that he returned home and observed the state of the apartment after the search (Board Review 05). He said that his Xbox One video game console had somehow ended up on the floor and was damaged beyond use by some water that had been spilled on the floor. § 87(2)(b) provided a video which he said depicted the condition of the apartment after the officers left (Board Review 01). The footage does show the apartment in a state of disarray generally consistent with a search warrant execution, with numerous items strewn about the floors of the various rooms. The footage does not specifically show the particular damage described by § 87(2)(b) and § 87(2)(b) which would not have been reasonably related to performing a thorough search (i.e. the broken statuettes and the damaged video game console). It is also impossible to determine from the footage what state the apartment was in when the officers arrived, and thus the investigation cannot determine whether all of the disarray in the footage was caused by officers.

PO Derco, interviewed 11 months after the incident, was the assigned investigator to this case (Board Review 06). He generally remembered some details about the incident, such as that it was in furtherance of a shooting investigation and that there were no civilians present in the apartment. More specifically, he was unable to remember who knocked on the door, where exactly in the apartment he searched, who else was on scene, what the state of the apartment was upon entry, or what instructions, if any, supervisors gave him and other officers. He did not remember seeing any items with pre-existing damage. He did not remember which officers searched the living room or if any porcelain statuettes were damaged during the search. PO Derco did not remember how many bedrooms were in the apartment, but he remembered searching bedrooms. He did not remember where in the bedrooms he searched but noted that he would have searched anywhere a gun could have been. He did not remember a bed frame becoming damaged at any point, nor did he remember interacting with a gaming console. He further did not remember there being any liquid on the floor. He did not see any other officer damage any property.

Capt. Campbell, interviewed 16 months after the incident, testified that he supervised the entry of the target location but did not supervise the search (Board Review 07). He said that once entry is made, and the location is secured, there is no further need for a captain to remain on scene. As Capt. Campbell was not present for any search, he had no relevant testimony to offer regarding the allegations of property damage and denied that he or any other officer damaged any property beyond that necessary to make entry.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (Board Review 08).
- PO Christopher Derco has been a member of the NYPD for 13 years and has been a subject in eight prior complaints and 24 allegations, three of which were substantiated:
 - 201003003 involved a substantiated allegation of retaliatory summons against PO Derco. The Board recommended Charges and the NYPD imposed Instructions.
 - 201104579 involved substantiated allegations of stop and frisk against PO Derco. The Board recommended Command Discipline and the NYPD took no disciplinary action due to a statute of limitations.
- Capt. Daniel Campbell has been a member of the NYPD for 18 years and has been a subject in 29 CCRB complaints and 70 other allegations, of which two were substantiated:
 - 200607138 involved a substantiated allegation of threat of arrest against Capt. Campbell. The Board recommended Command Discipline and the NYPD imposed no disciplinary action.
 - 201004296 involved a substantiated allegation of frisk against Capt. Campbell. The Board recommended Charges and the NYPD imposed Command Discipline B.
 - Capt. Campbell is currently the subject in one other allegation in case 202003378. The investigation into this allegation is ongoing. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 22, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (Board Review 09).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 5

Investigator:	<u>Stephen J. DiFiore</u>	<u>Inv. Stephen DiFiore</u>	<u>April 25, 2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>April 27, 2022</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date